

अण्डमान तथा
Andaman And



निकोबार राजपत्र
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अण्डमान तथा निकोबार प्रशासन
ANDAMAN AND NICOBAR ADMINISTRATION
सचिवालय@SECRETARIAT

NOTIFICATION

Port Blair, dated the 28th September, 2012.

No. 212/2012/F.No.16-120/2010-Home.— In exercise of the powers conferred by Section 357A of the Code of Criminal Procedure, 1973 (Act 2 of 1974) read with Notification No. U-15039/64/2010-Plg./UTL dated 13/08/2012, issued by Government of India, Ministry of Home Affairs, New Delhi, the Lieutenant Governor (Administrator), Union Territory of Andaman and Nicobar Islands hereby makes the following scheme for providing funds for the purpose of Assistance to be given to the victim or his dependents who have suffered loss or injury or both as a result of the crime and who require rehabilitation.

1. Short title and commencement :-

- (1) This scheme may be called the Andaman and Nicobar Islands Victim Assistance Scheme, 2012.
- (2) This shall come into force on the date of its publication in the Official Gazette of Union Territory of Andaman and Nicobar Islands.

2. Definitions :- In this scheme, unless the context otherwise requires,—

- (a) “Victim” means as defined in Clause (wa) of Section 2 of Code of Criminal Procedure, 1973;
- (b) “Act” means the Code of Criminal Procedure, 1973 (Act 2 of 1974);
- (c) “Collector” means the Collector/Deputy Commissioner of a District of the Union Territory of Andaman and Nicobar Islands or any person authorized in this behalf;
- (d) “dependent” means wife or husband, father, mother, unmarried daughter and minor children of the victims as determined by the authority empowered to issue dependency certificate;
- (e) “Schedule” means the Schedule appended to the scheme;
- (f) “Union Territory” means a Union Territory of Andaman and Nicobar Islands; and
- (g) “Union Territory Legal Services Authority” and “District Legal Services Authority” means Union Territory/State Legal Services Authority or District Legal Services Authority of Union Territory of Andaman and Nicobar Islands as defined in Legal Services Authority Act, 1987.

3(1). Victim Assistance Scheme will be funded from the Consolidated Fund of India, as per requirements of the Scheme. The funds for this Scheme will be made available to the Union Territory by the MHA by way of Grant under Grant No. ‘55’ Other Expenditure of MHA.

3(2). Amounts of fines imposed under Section 357 Cr.P.C. and ordered to be deposited by the Courts in the Victim Compensation/Assistance fund will be deposited into the Consolidated Fund of India.

3(3). The cost of the Assistance shall be recovered from the wrongdoer/accused and shall be treated as Public Demand to be recovered in accordance with the relevant provisions of law.

3(4). The said Fund shall be operated by the Collector/Deputy Commissioner of the Union Territory of Andaman and Nicobar Islands.

4. Eligibility for Assistance :- The victim or his dependents satisfying the following criteria shall be eligible for the grant of Assistance, namely :—

(1) he should not have received any Assistance for the loss or injury under any other scheme of the Central Government or Union Territory Administration of this nature.

5. Procedure for Grant of Assistance :-

(1) Wherever a recommendation is made by the Court for Assistance under Sub-Section 2 of Section 357A of the Act or an application is made by any victim or his dependents under Sub-Section 4 of Section 357A of the Act to the Union Territory/State Legal Services Authority, the Union Territory/State Legal Services Authority or the District Legal Services Authority as the case may be, shall examine the case and verify the contents of the claim with regard to the loss or injury or both and rehabilitation necessitated as a result of the crime and may also call for any other relevant information necessary for consideration of the claim from the concerned.

(2) The inquiry as contemplated under Sub-Section (5) of Section 357A of the Act shall be completed within a period of sixty days from the date of receipt of the recommendation or application.

(3) After completion of inquiry, the Union Territory/State Legal Services Authority or the District Legal Services Authority as the case may be, upon its satisfaction, shall decide the quantum of Assistance to be awarded to the victim or his dependents on the basis of loss or injury or both or for rehabilitation, medical expenses to be incurred on treatment and such incidental charges as funeral expenses etc.:

Provided that the quantum of Assistance to be awarded to the victim or his dependents shall not be less or more than what is provided in Schedule attached to the scheme and if at a later date, compensation awarded by the Court is more than maximum limit, the amount of Assistance already paid shall be adjusted.

6. Order to be Placed on Record :- The copy of the order of Assistance shall be placed on record of the trial court to enable the court to pass order of compensation under Sub-Section (3) of Section 357A of the Act.

7. Method of Disbursement of Assistance :-

(1) The amount of Assistance so awarded shall be deposited in a nationalized bank or in scheduled bank where the branch of nationalized bank is not available in the single or joint name of the victim or the dependents and out of the amount so deposited, 75% of the same shall be in fixed deposit for a minimum period of three years and the remaining 25% shall be available for the utilization and initial expenses by the victim or the dependents or petitioners, as the case may be, and in exceptional circumstances, District or Union Territory/State Legal Services Authority after being satisfied, may allow withdrawal upto 50% for the welfare of the victim or the dependents or petitioners.

(2) In the case of a minor, 80% of the amount of Assistance so awarded shall be deposited in the fixed deposit account and shall be withdrawn only on attainment of the age of majority, however, exception can be made for educational or medical needs of the beneficiary at the discretion of Union Territory/State Legal Services Authority or the District Legal Services Authority.

(3) The interest on the amount of fixed deposit shall be credited directly by the bank in the saving account of the victim or the dependents on monthly basis.

8. Medical Aid to the Victim :- The Union Territory/State Legal Services Authority or the District Legal Services Authority of the Union Territory of Andaman and Nicobar Islands to alleviate the suffering of the victim, may order for immediate first-aid facility or medical benefits or any other interim relief as deemed fit, to be made available free of cost to the victim, which shall not be adjustable against the amount of Assistance.

9. Dependency Certificate :- The authority empowered to issue the Dependency Certificate shall issue the same within a period of fifteen days and in no case the period shall be extended and the Union Territory/State Legal Services Authority or the District Legal Services Authority as the case may be, in case of non-issuance of Dependency Certificate by the authority within the said period of fifteen days may proceed on the basis of an affidavit to be obtained from the claimant.

10. Limitation :- No claim of Assistance shall be entertained after a period of three years from the date of commission of crime :

Provided that the Union Territory/State Legal Services Authority or the District Legal Services Authority as the case may be, if satisfied, for reasons to be recorded in writing, may entertain a claim after the said period of three years.

11. Appeal :- Any victim aggrieved of the denial of Assistance by the District Legal Services Authority may file an appeal before the Union Territory/State Legal Services Authority within a period of ninety days :

Provided that the Union Territory/State Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone delay in filing the appeal.

12. Quantum of Assistance :- The Assistance shall be granted as per the Schedule annexed to the Scheme.

**By order and in the name of the Lieutenant Governor,
Andaman and Nicobar Islands.**

Sd./-
(K. Purushothaman Achari)
Assistant Secretary (Home)

S C H E D U L E

| Sl. No. | Particulars of loss or injury | Minimum limit of Assistance (in Rs.) | Maximum limit of Assistance (in Rs.) |
|----------------|--|---|---|
| 1. | Loss of life | 3 lakh | 5 lakh |
| 2. | Rape | 2 lakh | 3 lakh |
| 3. | Loss of any limb or part of body resulting in 80% permanent disability or above | 2 lakh | 3 lakh |
| 4. | Loss of any limb or part of body resulting in above 40% and below 80% permanent disability | 1 lakh | 1.5 lakh |
| 5. | Loss of any limb or part of body resulting in above 20% and below 40% permanent disability | 60,000 | 1 lakh |
| 6. | Loss of any limb or part of body resulting in below 20% permanent disability | 50,000 | 50,000 |
| 7. | Victims of human trafficking, child abuse and kidnapping | 50,000 | 50,000 |
| 8. | Simple loss or injury to child victim | 10,000 | 10,000 |
| 9. | Rehabilitation | 20,000 | 20,000 |
| 10. | Victim of acid attack : (a) In case of disfigurement of face (b) Other cases of injury | 2 lakh 50,000 | 3 lakh 50,000 |